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COMMERCE & TRANSPORT (TRANSPORT) DEPARTMENT

NOTIFICATION

The 20th April, 2023

No.4478—PT3-TRN-LC-RT-0003/2017/T.— In exercise of the power conferred by Section 93 of the Motor Vehicles Act, 1988 as amended from time to time and in consideration of the guidelines issued by Ministry of Road Transport & Highways on dated the 27th November, 2020 and dated the 3rd August, 2022, the State Government is pleased to notify the Guidelines “the Odisha On-demand Transportation Technology Aggregators Guidelines, 2023” to regulate the operational activities or conduct of the Odisha On-demand Transportation Technology Aggregators as given below.

Guidelines

1. Definitions.—

- (a) “Act” means the Motor Vehicles Act, 1988(59 of 1988);
- (b) “Aggregator” means an intermediary or market place who canvasses or solicits or facilitates passengers for travel by either motor cab or two wheeler (transport) and who connects the passenger or intending passenger to a driver of a motor cab or two wheeler (transport) through phone calls, internet, web-based services or Global Positioning System (GPS) or General Packet Radio Service (GPRS) based services whether or not any fare, fee, commission, brokerage or other charges are collected for providing such services;
- (c) “Form” means Form appended to these guidelines;
- (d) “Government” means the Government of Odisha;
- (e) “License” means a Licence granted to an aggregator under these guidelines;

- (f) "Licensee" means an aggregator who holds licence issued under these guidelines;
- (g) "Licensing Authority" means the Additional Commissioner Transport (Technical), State Transport Authority, Odisha;
- (h) "Passenger" for the purpose of these guidelines means any person travelling in a motor cab or two-wheeler (transport) other than the driver or an employee of the aggregator while on duty in respect of the motor vehicle;
- (i) "section" means section of the Act;

All other words and expressions which are used but not defined in these guidelines shall have the same meaning as defined under Motor Vehicle Aggregator Guidelines, 2020 issued by the Ministry of Road Transport & Highways, Government of India on dated the 27th November, 2020

2. Necessity of Licence. –(1) No person shall act or permit any other person to act as an aggregator unless he holds an effective license issued to him under these guidelines.

(2) The Licensing Authority may, while issuing a license to an aggregator follow such guidelines of the Central Government issued in this regard

3. Application for grant of licence, and renewal thereof. –

- (1) Any person may make an application for grant of licence in Form1 accompanied by proof of payment of appropriate fee and security deposit.
- (2) A licence granted under these guidelines shall be valid for a period of five years from the date of issue.
- (3) A licence granted under these guidelines may be renewed for a period of five years from the next day of its expiry on an application along with the fee prescribed under rule 14 made not less than sixty days before the date of its expiry, subject to fulfilment of all the conditions prescribed for grant of a licence.
- (4) In case the application for renewal is made within sixty days before its expiry, a late fee of rupees one thousand shall have to be paid by the applicant in addition to the renewal fee and the license shall be renewed for a period of five years from the next day of its expiry subject to fulfilment of all the conditions prescribed for grant of a licence.
- (5) In case the application for renewal is made after its expiry, a late fee at the rate of rupees ten thousand for a period of delay of one month or part thereof reckoned from the date of expiry shall have to be paid by the applicant in addition to the renewal fee. And the license shall be renewed for a period of five years from the date of its renewal subject to fulfilment of all the conditions prescribed for grant of a licence.

- (6) If, any of the conditions prescribed under these guidelines for grant or renewal of licence are not complied with by the applicant, the Licensing Authority may reject such application after giving an opportunity of being heard to the applicant.
- (7) On being satisfied that the applicant has complied with all the conditions prescribed for grant or renewal of a licence under these guidelines, the licensing authority shall grant a licence to the applicant in Form 2 or renew the same, as the case may be.
- (8) A licence granted or renewed under these guidelines may be transferred to the legal heir in case of death of the licensee on an application made by the legal heir and in other cases, licence may be transferred on a joint application being made by the transferor and transferee subject to fulfilment of all the conditions by the prospective transferee.
- (9) Where the licence is lost or destroyed, an application for issue of a duplicate license shall be made to the licensing authority along with the prescribed fee and a duplicate Licence so issued shall be marked "Duplicate" in red ink:

Provided further that the application for issue of duplicate license must be accompanied with a copy of police intimation report in case of lost and in case if it is mutilated then the copy of mutilated license must be accompanied.

4. Eligibility of an Aggregator.—

- (1) The applicant shall be a company registered under the Companies Act, 2013 (18 of 2013) or a firm registered under the Indian Partnership Act, 1932 (9 of 1932).
- (2) The applicant shall comply with all applicable guidelines and regulations prescribed under the Act and also the Information Technology Act, 2000 (21 of 2000), including the intermediary guidelines issued by the Government of India and the Government of Odisha.
- (3) The applicant shall not own or lease any vehicle, employ any driver or represent himself as an aggregator service provider, unless he holds the license issued under these guidelines.
- (4) The Applicant shall have a registered Office in India.

5. Conditions for grant or renewal of a license. –

The applicant desirous for securing a license shall satisfy that, -

- (i) He has a fleet of minimum 100 vehicles in case of motor Cab(LMV) and/or 50 two-wheeler(transport) either owned or through a registered agreement

(duly registered by the sub registrar) with individual motor Cab or two-wheeler (transport) vehicle owners.

- (ii) He has facilities for monitoring the movement of taxies using Global Positioning System, General Packet Radio Service, along with a control room facility.

6. Vehicle Profile. - Every motor cab (LMV) or two-wheeler (transport) vehicle, for the purpose of inclusion in a licence, shall, -

- (i) be covered with a contract carriage permit issued under section 74 or under sub-section (8) of Section 88;
- (ii) have a display board inside the vehicle in case of cab and on the front or side in case of two-wheeler (transport) vehicle containing vehicle permit details and the driver's details such as photograph, name, driving licence and badge particulars and ID card issued by police authorities and the display board shall be clearly visible to the passengers travelling in the vehicle;
- (iii) be capable of being tracked continuously with Global Positioning System (GPS) or General Packet Radio Service (GPRS) facility with a provision of a panic button for the use of the passengers, capable of alerting the control room of aggregator as well as local Police without any hindrance or interference by the driver;
- (iv) be fitted with single Global Positioning System (GPS) or General Packet Radio Service (GPRS) capable vehicle tracking unit with Printer, display panel and digital fare meter, as per the specifications detailed in Appendix, capable of generating a printed receipt to be given to the passengers;
- (v) be fitted with a yellow-coloured display board with words "Taxi" visible both from the front and the rear and the board shall be capable of being illuminated during the night hours.

Explanation:- Two wheelers (non-transport) are prohibited under this guidelines as it would be difficult on the part of administration to have a control over those vehicles.

7. Driver's qualifications. –

(1) Driver of a vehicle used under this license shall have the following qualifications,-

- (i) he shall be holder of a LMV with PSV badge license in case of motor cabs & Motorcycle with gear license in case of two wheeler (transport) vehicle as the case may be
- (ii) he shall have a minimum driving experience of 2 years;

- (iii) he shall be a resident of Odisha for a minimum period of two years;
 - (iv) he shall have knowledge in Odia and anyone other language, preferably English;
 - (v) he shall be of a good moral character without any criminal record;
 - (vi) he shall be a holder of Know Your Customer (KYC) compliance bank account in accordance with the norms prescribed by Reserve Bank of India;
- (2) Driver of a vehicle shall behave in a civil and orderly manner with the passengers or intending passengers and shall not give room for any complaints from them and shall not indulge in any touting activities or force or compel them to use his services; and
 - (3) Driver of vehicle shall not have been convicted within the past seven years, for the offence of driving under the influence of drugs or alcohol, or any cognizable offence under the Code of Criminal Procedure, 1973 (2 of 1974), including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property damage or theft, acts of violence, or acts of terror and no criminal case is pending against him.

8. Hire charges. –

- (1) On behalf of the owner of the vehicle, the driver or the aggregator shall collect hire charges from the passengers as per the fare indication method stated in clause (iv) of point No.6 of these guidelines.
- (2) In any case, the fare including any other charges, if any, shall not be higher than the fare fixed by the Government from time to time.
- (3) No passenger shall be charged for dead mileage and the fare shall be charged only from the point of boarding to the point of alighting.

9. General Conditions to be observed by a licensee. -

- (1) The licensee shall,-
 - (a) provide an address within the area of operation in the jurisdiction of the Licensing Authority along with details of the person-in-charge of the affairs;
 - (b) neither shift his place of business, nor any of his branches as mentioned in the licence or open a new branch without a written permission from the Licensing Authority;

- (c) maintain records, in digital form of all the taxies at his control, indicating on a day-to-day basis, the trips operated by each vehicle, details of passengers who travelled in the vehicle, origin and destination of the journey and the fare collected. The records so maintained shall be open for inspection by an officer authorised by the Licensing Authority at any time;
- (d) provide a list of drivers, their Licence numbers, the vehicle registration numbers and the chassis and engine numbers and permit details of vehicles operated by him to the Licensing Authority online on quarterly basis;
- (e) maintain the copies of following up-dated records relating to the drivers (after verification with the originals):
 - (i) a photograph of the driver;
 - (ii) driving licence;
 - (iii) present home address with proof of residential address;
 - (iv) RBI compliance KYC bank account details;
 - (v) self-attested copies of EPIC card and PAN card; and
 - (vi) contact details and addresses of two family members.
- (f) maintain the copies of the following up-dated records relating to the driver's vehicle (after verification with the originals):
 - (i) Certificate of Registration;
 - (ii) Certificate of Fitness;
 - (iii) Permit of the vehicle;
 - (iv) Chassis and engine numbers;
 - (v) Commercial insurance policy covering for third party risks as specified in the Act; and
 - (vi) Pollution under control certificate.
- (g) implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver, provide notice of the zero-tolerance policy on its website, as well as the procedure to report a complaint about a driver when a passenger reasonably suspects that the driver was under the influence of drugs or alcohol during the course of the ride. The licensee shall immediately deactivate or suspend such driver's access to the platform upon receipt of a passenger's complaint alleging violation of the zero-tolerance policy. The suspension shall last or continue during the period of investigation by the licensee;

- (h) ensure that the antecedents of every driver of a vehicle is verified by the police Authorities before the driver is allowed to use the licensee's platform;
- (i) arrange at least once in a year structured refresher training programme for the drivers not only for safe driving skills but also for gender sensitization and etiquette towards passengers etc. Conduct of all such training programmes shall be documented and preserved at least for one year. The driver shall not be allowed to work beyond the maximum number of hours as stipulated under the Motor Transport Workers Act 1961(27 of 1961);
- (j) periodically check and maintain a register regarding the details of all the documents of all taxis at his control;
- (k) ensure that all the vehicles at his control maintain uninterrupted contact with the control room. The control room shall be in a position to monitor the movements of all the vehicles at his control;
- (l) ensure adequate mechanism for receiving passengers' feedback and grievances in online platform. This may be assured through online feedback, easily accessible to the passengers always and also by providing toll free phone numbers;
- (m) ensure that the grievances or complaints of passengers or any other persons received by him shall be attended by the grievance officer appointed by him and they must be made available to the inspecting authorities on demand;
- (n) provide the vehicles covered with a permit issued under section 74 or under sub-section (8) of section 88 as per the requirement of the passengers;
- (o) ensure that the vehicles operating under his licence do not operate independently or accept bookings directly;
- (p) give liberty to the permit holder who is operating under his company to operate his vehicle simultaneously with any other aggregator as per his discretion;
- (q) ensure that the aggregator vehicle service is available all the time 24 X 7 without any interruption;
- (r) on termination or end of the agreement with permit holder, remove all the equipment's or brand stickers and confiscate the identity card or Authorization issued to the driver;

- (s) maintain a web portal containing all details regarding the owners of the vehicles, services offered, fare structure, insurance liabilities, control room number, name and contact details of a duly appointed grievance redressal officer;
 - (t) send photo of the driver along with vehicle registration number, mobile phone number and other details of the driver to the customer's mobile phone before boarding;
 - (u) Publish beforehand its policy on aggregator vehicle fare, registration of vehicles and drivers with its platform or app, sharing of fares with vehicle owners and / or drivers, safety of passengers, grievance redressal mechanism for passengers etc; and
 - (v) store data of all passengers and drivers travelled in their vehicles up to one year and make them available to the Inspecting Authorities on demand.
- (2) If the licensee uses or causes or allows a vehicle to be used in any manner not authorized by the permit or provisions mentioned herein, the licensee and the driver shall be jointly and severally responsible for such defaults and for payment of penalty under the provisions of the Act and Rules.
 - (3) If any untoward incident occurs during the course of a ride, the licensee shall inform the same to the licensing authority as well as to the jurisdictional police immediately.
 - (4) The Licensing Authority may, after notice of not less than 30 days to the licensee, vary any conditions or may add fresh conditions.

10. Power of the licensing authority to suspend or cancel the License. -

- (1) The Licensing Authority may, after giving an opportunity of being heard to the licensee, suspend the license for a period which shall not be less than 30 days and which shall not exceed 6 months at a time or may cancel the license, if, -
 - (a) The licensee fails to comply with any of the requirements or conditions of these guidelines, or;
 - (b) any vehicle operated by the licensee fails to comply with any of the requirements or conditions of these guidelines, or
 - (c) any driver of a vehicle operated by him violates any requirements or conditions of these guidelines, or

- (d) a passenger's complaint of misbehaviour or misdemeanour on the part of the driver or the licensee or any of his employees is found to be correct after enquiry or
 - (e) a criminal complaint is filed against the licensee or his employee or the driver;
- (2) Where a licence is suspended or cancelled, the licensee shall surrender the licence to the Licensing Authority within three days of receipt of order of suspension or cancellation and shall immediately stop all operations under the licence.
 - (3) Where the licence is liable to be suspended or cancelled and the Licensing Authority is of the opinion that it would be expedient to impose a fine on the licensee in lieu of suspending or cancelling the licence, the Licensing Authority may require the licensee to pay a fine which shall not be less than Rs.5,000 but not exceeding Rs.10,000.
 - (4) Without prejudice to an order of suspension or cancellation passed by the Licensing Authority, the security provided by way of bank guarantee may also be forfeited either in part or in full, depending upon the gravity of the violation.
 - (5) The licensee may, at any time, voluntarily surrender the licence for cancellation. On such surrender of the licence, the security by way of bank guarantee if any shall be returned to the licensee after the payment of outstanding dues, if any.

11. Appeals.—(1) The licensee aggrieved by any order passed by the licensing authority may, within 30 days of receipt of the order, appeal to the Transport Commissioner, State Transport Authority, Odisha.

- (2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds for the appeal and shall be accompanied by the requisite fee and the certified copy of the order passed by the licensing authority.

12. Revision - (1) The licensee aggrieved by any order passed by the Appellate Authority may, within 30 days of receipt of the order, appeal to the State Transport Appellate Tribunal, Odisha.

- (2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds for the revision appeal and shall be accompanied by the requisite fee and the certified copy of the order passed by the Appellate Authority.

13. Fees: The fee in respect of a licence shall be as follows. -

Sl. No.	Purpose	Amount in Rupees
(I)	(II)	(III)
1.	Grant of license	50,000
2.	Renewal of license	25,000
3.	Issue of duplicate license	2,500
4.	(a) Transfer of license <u>In case of death of individual licensee</u>	5,000
	(b) In other cases,	15,000
5.	For noting change of address of the licensee or for permission to open a new branch office.	2,500
6.	Appeal or revision appeal	2,500

14. Security Deposit. - Applicant for a licence under these guidelines shall furnish refundable security by way of bank guarantee duly pledged to State Transport Authority, Odisha to the extent as indicated below from any nationalized bank situated within Odisha.

Sl. No.	Purpose	Amount in Rupees
(I)	(II)	(III)
1.	Up to 1000 motor cab or two wheeler (transport)	1,00,000
2.	Up to 10000 motor cab or two wheeler (transport)	2,50,000

15. General.-

- (a) As per State EV Policy, congestion fee of **one rupee per kilometre** shall be levied on aggregator originating and terminating from different places within the State. Motor cab, two wheeler (transport) Operators and aggregators operating vehicles on hire running with IC engines, operating in Odisha shall pay above fee. Addl. fee and M.V. Taxes shall also be levied on petrol and diesel driven vehicles which are more than 15 years old. Electric vehicles shall be exempted from the purview of payment of such fee and taxes.
- (b) Regulatory framework for aggregators and also provides mechanism for ease of doing business, customer safety and driven welfare to be ensured. Safety of women and the girl child are to be ensured by providing GPS based vehicle location tracking, panic button in the vehicle, display of cab and driven details inside the cab 24x7 call centre and ensuring the off boarding of the drivers till the remedial action is taken and redressal of grievance. The aggregator shall

have the provisions for ensuring the induction training and remedial training for the drivers.

- (c) The welfare measures for the drivers such as medical and term insurance as well as mandatory rest of 10 hours by the drivers after working for 12 hours continuously should be ensured by aggregator. State Transport Authority, Odisha will issue guidelines regarding capping of surge pricing and the framework for sharing of revenue between the drivers and the aggregators. Technology based solutions for sharing of rides and vehicles shall be provided by aggregator for promoting better utilization of existing assets through appropriate regulatory measures.
- (d) 24x7 call centres are to be implemented by the aggregators. Welfare measures for drivers and the revenue sharing between the aggregators and the drivers are to be implemented in accordance with guidelines issued by Ministry of Road Transport and Highways, Government of India.

FORM 1
[(see clause 3(1))]
Application for the grant/renewal of Aggregator's Licence under the
Odisha On demand Transportation Technology Aggregators Guidelines, 2023

To,

The Additional Commissioner Transport (Technical),
State Transport Authority, Odisha.

I, the undersigned hereby apply for grant/renewal of a Licence for Operation as an Aggregator under The Odisha On-demand Transportation Technology Aggregators Guidelines, 2023.

1.	Name in full	
2.	Address of the main office	
3.	Number of branches and address.	
4.	a. If a registered company, enclose a copy of certificate of incorporation /registration along with a copy of memorandum of association. b. If a firm, enclose a copy of Certificate of registration of the firm.	
5.	Telephone Number, web address and e-mail id	
6.	Number of motor cabs/two-wheeler (transport) vehicles proposed to be operated. (Enclose a separate list containing vehicle numbers and permit particulars of each vehicle)	
7.	Details of GPS/GPRS facility	
8.	Details of other infrastructure	
9.	Details of Financial condition	
10.	Details of fee paid	
11.	Details of Security Deposit by Way of Bank Guarantee	

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of the Odisha On-demand Transportation Technology Aggregators Guidelines, 2023; I accept the same and agree to abide by the said Guidelines.

Place:

Date:

Signature of the Applicant/
Authorized signatory

FORM 2
[See clause 3(5)]
Licence for an Aggregator

M/S.....is hereby licenced to function as an Aggregator under The Odisha On-demand Transportation Technology Aggregators Guidelines 2023, subject to the conditions contained in the Guidelines..

1.	Name of the aggregator in full	
2.	Address of the main office	
3.	Addresses of branches	
4.	Telephone Number, Web address and e-mail id	
5.	Number of motor cabs/ two-wheeler (transport) vehicles (As per the list enclosed)	
6.	Particulars of the network through which the operator shall function	
7.	Details of fee paid	
8.	Details of bank guarantee	

The licensee shall observe all the conditions contained in the Odisha On-demand Transportation Technology Aggregators Guidelines, 2023.

This licence is valid from.....to.....

Place:

Date:

Additional Commissioner Transport (Tech),
State Transport Authority, Odisha, Cuttack

APPENDIX
[see clause 6 (iv)]

Integrated GPS/ GPRS capable vehicle tracking unit (VTU) with printer,
display panel and fare meter.

Sl. No.	SPECIFICATIONS
	General Features
1	GPS/GPRS or both (Location, speed, heading time stamp) data polling and sending frequency capability of less than or equal to 10 sec.
2	Location on demand on GPRS/SMS.
3	Memory to store min 40000 positional log.
4	Configurable back up SMS facility in case of GPRS failure.
5	Capability to send serving and adjacent cell ID as well as network measurement report (NMR) i.e., neighbouring cell ids so that location can be ascertained using cell Id, if GPS fix is lost.
	GPS Module Specification
1	Parallel GPS or GLONASS or both receiver module with 32(minimum) acquisition channels & 18 minimum tracking channels.
2	Acquisition sensitivity: better than (-) 165dBm.
3	Tracking sensitivity better than (-) 160dBm.
4	Accuracy of Less than 8m Positional Accuracy 2 DRMS, (on ground) or 2.5 m CEP.
5	Hot start<5s.
6	Warm start:<20s.
7	Cold start 40 s.
8	Outputs as per NMEA0183.
9	WGS-84 compliant.
10	Network server based real-time A-GPS.
	GPRS
1	In-Built Quad-band GPRS module/Modem.
2	Multi Slot GPRS.
3	GPRS class 10 or above.
4	Should support all-SMS, Voice, Data, GPRS, TCP/IP.
	Power Characteristics
1	Input Voltage range 8-32volts.
2	Battery backup of minimum of 4hours with active mode of operation i.e., when vehicle is plying on a trip.
	Environmental Variables
1	Temperature range; - 250° C to 850° C (without LCD), -200° C to 700° C (with LCD).

2	Humidity Level: 5% to 95% non–condensing.
3	Dust, temperature, vibration and water splash resistant.
4	IP 65 rated or equivalent. With heat resistant, vibration proof, tamper proof (printer assembly can be excluded as it has a slit to push the paper out).
5	Automotive grade unit with components and manufacturing process as required for automotive use.
	Antenna
1	Should have internal GPRS antenna
2	Should have internal GPS antenna
	Port/Sensors (External I/O)
1	Transmit Line, Receive Line
a	2xUSB Ports
2	I/O (minimum 4 I/o ports as explained below)
a	2 Digital Input,1 Analog Input
3	Emergency Button I/o
4	Debugging Port (1)
	Geo-fencing
1	Facility to update route Geo-fence in the device over the air (Device can store the route between a start and end point and can compare the actual path traversed, with the route stored. This can be used to generate an alert if vehicle deviates from the route stored).
2	VTU should be capable of generating a visual & audible alert, in case vehicle deviates more than allowed deviation from route loaded on device before trip start.
	Other Features
1	Emergency button
2	Processor: minimum 32-bit, minimum 400MHz or above
3	Device should be capable of sending a packet to 2 different IP's simultaneously.
4	Status LEDs to indicate Power, GPS and GPRS status.
5	Over the Air Download of firmware as well as configuration parameters.
6	Remote administration & firmware update over the air.
7	Integration with Fare Meter for cab.
	Printer
8	Font:12X24 Print Width: 2 inch minimum Print Speed: 60mm/sec Print: English, Alphanumeric characters Resolution: 8dots/mm Print receipt should have the following fields as mentioned below; Vehicle Number Start Time End Time

	Trip details Trip distance Waiting Time Night Time flag/ Charge Any other information, which can be provided from backend.
	Display
9	Viewing area 7.0" diagonal Aspect Ratio 4:3 VGA 640x480 Resolution Colour TFT Double Replaceable CCFL Display Display clearly viewable with 400cd/m ² Ambient Light Sensor with 32 steps Automatic Regulation. Navigator to display the projected route between "pick-up and drop point" and show the LU of VTU, indicating vehicle current position. Capability to expand the map (increase the zoom level of map display)
	Switches/Buttons Mechanism
10	Trip Start (Mandatory & Integrated with the meter start) Trip End (Mandatory & Integrated with the end of meter) Waiting (Visual Display) Emergency button to trigger the panic alert message: It should be activated if pressed for more than or equal to a specified duration & must be configurable. Print button to get the bill printed.

By Order of the Governor

USHA PADHEE

Principal Secretary to Government